

FEDERAL BUREAU OF INVESTIGATION

U.S. DEPARTMENT OF JUSTICE
WASHINGTON, D.C. 20535

THIS IS THE END OF TAP #

1198

Date Filmed

9/10/80

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PS Form 3811, Aug. 1978

RETURN RECEIPT, REGISTERED, INSURED AND CERTIFIED MAIL

● **SENDER:** Complete items 1, 2, and 3.
Add your address in the "RETURN TO" space on reverse.

1. The following service is requested (check one):
☐ Show to whom and date delivered.
☐ Show to whom, date, and address of delivery.
☐ **RESTRICTED DELIVERY**
Show to whom and date delivered.
☐ **RESTRICTED DELIVERY.**
Show to whom, date, and address of delivery.
(CONSULT POSTMASTER FOR FEES)

2. **ARTICLE ADDRESSED TO:** *Arthur S. ...*
555 Capitol Mall, Suite 125
Sacramento, California 95814

3. **ARTICLE DESCRIPTION:**
REGISTERED NO. CERTIFIED NO. INSURED NO.
0E9543

(Always obtain signature of addressee or agent)

I have received the article described above.
SIGNATURE ☐ Addressee ☐ Authorized agent
Sheryl McFall

4. **DATE OF DELIVERY**
JUL 29 1980

5. **ADDRESS** (Complete only if required)

6. **UNABLE TO DELIVER BECAUSE**

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SACRAMENTO CA METRO 517
JUL 29 1980
USPS

PS Form 3811, Aug. 1978

RETURN RECEIPT, REGISTERED, INSURED AND CERTIFIED MAIL

● SENDER: Complete items 1, 2, and 3.
Add your address in the "RETURN TO" space on reverse.

1. The following service is requested (check one):
☐ Show to whom and date delivered.
☐ Show to whom, date, and address of delivery.
☒ RESTRICTED DELIVERY.
☐ RESTRICTED DELIVERY.
 Show to whom, date, and address of delivery.
 (CONSULT POSTMASTER FOR FEES)

2. ARTICLE ADDRESSED TO: *James Ropp*
19 South Smith
Gene Hunt, Lebanon 42807

3. ARTICLE DESCRIPTION:
 REGISTERED NO. *1E95hb* CERTIFIED NO. INSURED NO.

(Always obtain signature of addressee or agent)

I have received the article described above.
 SIGNATURE ☐ Addressee ☐ Authorized agent
Julie M. Corbin (Owner)

4. DATE OF DELIVERY *7-28-80* POSTMARK

5. ADDRESS (Complete only if requested)

6. UNABLE TO DELIVER BECAUSE: CLERK'S INITIALS

Mur 1198 Andersen

PS Form 3811, Aug. 1978

RETURN RECEIPT, REGISTERED, INSURED AND CERTIFIED MAIL

● SENDER: Complete items 1, 2, and 3.
Add your address in the "RETURN TO" space on reverse.

1. The following service is requested (check one):
☐ Show to whom and date delivered.
☐ Show to whom, date, and address of delivery.
☒ RESTRICTED DELIVERY.
☐ RESTRICTED DELIVERY.
 Show to whom, date, and address of delivery.
 (CONSULT POSTMASTER FOR FEES)

2. ARTICLE ADDRESSED TO: *Paul F. Zandy*
27 State Street
Bangor, Maine 04901

3. ARTICLE DESCRIPTION:
 REGISTERED NO. *6E95hb* CERTIFIED NO. INSURED NO.

(Always obtain signature of addressee or agent)

I have received the article described above.
 SIGNATURE ☐ Addressee ☐ Authorized agent
Claudia J. Goulet

4. DATE OF DELIVERY *7-29-80* POSTMARK *JUL 29 1980*

5. ADDRESS (Complete only if requested)

6. UNABLE TO DELIVER BECAUSE: CLERK'S INITIALS

Mur 1198 Andersen



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20543

July 25, 1980

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

James Bopp, Jr.
Bramas, Bopp and Haynes
900 Sycamore Building
19 South Sixth Street
Tere Haute, Indiana 47807

Re: MUR 1198

Dear Mr. Bopp:

The Federal Election Commission has reviewed the allegations of your complaint dated March 25, 1980, and determined that on the basis of the information provided in your complaint and information provided by the Respondent that there is no reason to believe that a violation of the Federal Election Campaign Act of 1971, as amended (the "Act") has been committed.

Specifically, Maine NOWPAC's solicitation of memberships to national NOW or NOW-PAC are not prohibited by the Act. There is simply no statutory prohibition against the solicitation of membership in an organization by a political committee. Further, after investigating your complaint, there appears to be insufficient evidence that Maine NOW-PAC is the separate segregated fund of NOW or Maine NOW to warrant further Commission action on your allegation that Maine NOW-PAC made solicitations prohibited by 2 U.S.C. § 441b(b)(4). Similarly, the Commission has found no reason to believe that Maine NOW-PAC is affiliated with NOW-PAC such that the 2 U.S.C. §§ 433 and 434 registering and reporting requirements would be brought into play with respect to Maine NOW-PAC.

Finally, since it appears that Maine NOW-PAC is not a political committee as defined by the Act, there is no requirement that it include such a notice on its brochure. However, for future reference you should note 2 U.S.C. § 435 was revoked by Pub. L. No. 96-187, the Federal Election Campaign Act amendments of 1979; and the corresponding regulation, 11 C.F.R. § 102.13, was revised to conform with the Act as amended. Thus, political committees no longer have to include a notice on their solicitations that their reports are on file with the Commission and are available to the public.

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James Bopp, Jr.
Page Two

Accordingly, the Commission has decided to close the file in this matter.

Should additional information come to your attention which you believe establishes a violation of the Act, please contact R. Lee Andersen or Dolores Pasce, staff members assigned to this matter, at (202)523-5071.

Sincerely,


Charles N. Steele
General Counsel

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20543

July 24, 1980

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Curtis Sproul
Weintraub, Genshlea, Giannoni
and Sproul
555 Capitol Mall, Suite 1255
Sacramento, California 95814

Re: MUR 1198

Dear Mr. Sproul:

On April 1, 1980, the Commission notified JoAnn Daphinee of a complaint alleging that Maine NOW-PAC may have violated certain sections of the Federal Election Campaign Act of 1971, as amended.

The Commission, on July 1, 1980, determined that on the basis of the information in the complaint and information provided by you that there is no reason to believe that a violation of any statute within its jurisdiction has been committed. Accordingly, the Commission has closed its file in this matter. This matter will become a part of the public record within 30 days.

Sincerely,



Charles N. Steele
General Counsel

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20543

July 23, 1980

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Paul F. Zendzian, P.A.
Attorney at Law
27 State Street
Bangor, Maine 04401

Re: MUR 1198

Dear Mr. Zendzian:

On April 1, 1980, the Commission notified your client of a complaint alleging that Maine NOW-PAC may have violated certain sections of the Federal Election Campaign Act of 1971, as amended (the "Act").

The Commission, on July 1, 1980, determined that on the basis of the information in the complaint and information provided by you that there is no reason to believe that a violation of any statute within its jurisdiction has been committed. Accordingly, the Commission has closed its file in this matter. This matter will become a part of the public record within 30 days.

The Commission does, however, wish to express its concern over the confusion which has apparently been caused by your client's use of the name Maine NOW-PAC while maintaining that it is unconnected either to the National Organization for Women ("NOW") or the Maine National Organization for Women ("Maine NOW") and unaffiliated with the National Organization for Women Political Action Committee ("NOW-PAC"). Under recent amendments to the Act and Commission Regulations, the separate segregated fund of a corporation or labor organization must include the name of its connected organization in its own name. 2 U.S.C. § 432(e)(5) and 11 C.F.R. § 104.14(c). Should Maine

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NOW-PAC undertakes federal election related activities within the purview of the Act, a likely inference would be that either NOW or Maine NOW is the connected organization of Maine NOW-PAC. Such a state of affairs could lead to further complaints against Maine NOW-PAC.

Sincerely,



Charles N. Steele
General Counsel

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

MEMORANDUM TO: CHARLES STEELE *WVE*
FROM: MARJORIE W. EMMONS/MARGARET CHANEY
DATE: JULY 22, 1980
SUBJECT: MUR 1198 - Memorandum to the Commission
dated 7-14-80; Received in OCS
7-14-80, 1:49

The above-named document was circulated to the Commission on a no-objection basis at 11:00, July 15, 1980.

There were no objections to the re-draft of the letter to counsel as attached to the above-named memorandum at the time of the deadline. However, Commissioners Aikens and Reiche noted the typographical error in the proposed letter. Copies of their vote sheets are attached.

ATTACHMENTS:
Copy of Vote Sheets

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FEDERAL ELECTION COMMISSION
1125 K STREET, N.W.
WASHINGTON, D.C. 20461

JUL 22 4:31

DATE AND TIME OF TRANSMITTAL TUESDAY, 7-14-80
11:00

Commissioner FRIEDENSDORF, AIKENS, TIERNAN, MCCARRY, REICHE, HARRIS

RETURN TO THE OFFICE OF COMMISSION SECRETARY BY: TUESDAY, JULY 22, 1980
4:00

MUR No. 1198 - Memorandum to the Commission dated 7-14-80 with
Re-draft of letter to counsel for Maine NOM-PAC

() I object to the recommendation in the attached report.

COMMENTS:

Typo in letter to Zondjian

Date 7-21-80

Signature

J. Aikens

OBJECTIONS, SIGNED AND DATED, MUST BE RECEIVED IN THE COMMISSION SECRETARY'S OFFICE NO LATER THAN THE DATE AND TIME SHOWN ABOVE OR THE MATTER WILL BE DEEMED APPROVED. PLEASE RETURN ALL PAPERS TO THE OFFICE OF THE SECRETARY TO THE COMMISSION.



CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Paul F. Zendzian, P.A.
Attorney at Law
27 State Street
Bangor, Maine 04401

Re: MUR 1198

Dear Mr. Zendzian:

On April 1, 1980, the Commission notified your client of a complaint alleging that Maine NOW-PAC may have violated certain sections of the Federal Election Campaign Act of 1971, as amended (the "Act").

The Commission, on _____ 1980, determined that on the basis of the information in the complaint and information provided by you that there is no reason to believe that a violation of any statute within its jurisdiction has been committed. Accordingly, the Commission has closed its file in this matter. This matter will become a part of the public record within 30 days.

The Commission does, however, wish to express its concern over the confusion which has apparently been caused by your client's use of the name Maine NOW-PAC while maintaining that it is unconnected either to the National Organization for Women ("NOW") or the Maine National Organization for Women ("Maine NOW") and unaffiliated with the National Organization for Women Political Action Committee ("NOW-PAC"). Under recent amendments to the Act and Commission Regulations, the separate segregated fund of a corporation or labor organization must include the name of its connected organization in its own name. 2 U.S.C. § 432(e)(5) and 11 C.F.R. § 104.14(c). Should Maine

FEDERAL ELECTION COMMISSION

1325 K STREET N.W.
WASHINGTON, D.C. 20463

DATE AND TIME OF TRANSMITTAL TUESDAY, 7-22-80

Commissioner FRIEDERSDOFF, ALKENS, THIEMAN, MCCARTY, REICHE, BARTIS

RETURN TO THE OFFICE OF COMMISSION SECRETARY BY: TUESDAY, JULY 22, 1980

MUR No. 1198 - Memorandum to the Commission dated 7-14-80 with
Re-draft of letter to counsel for Maine NOW-PAC

() I object to the recommendation in the attached report.

COMMENTS:

Note the typo. (sun - 3rd paragraph)

Date

7/22/80

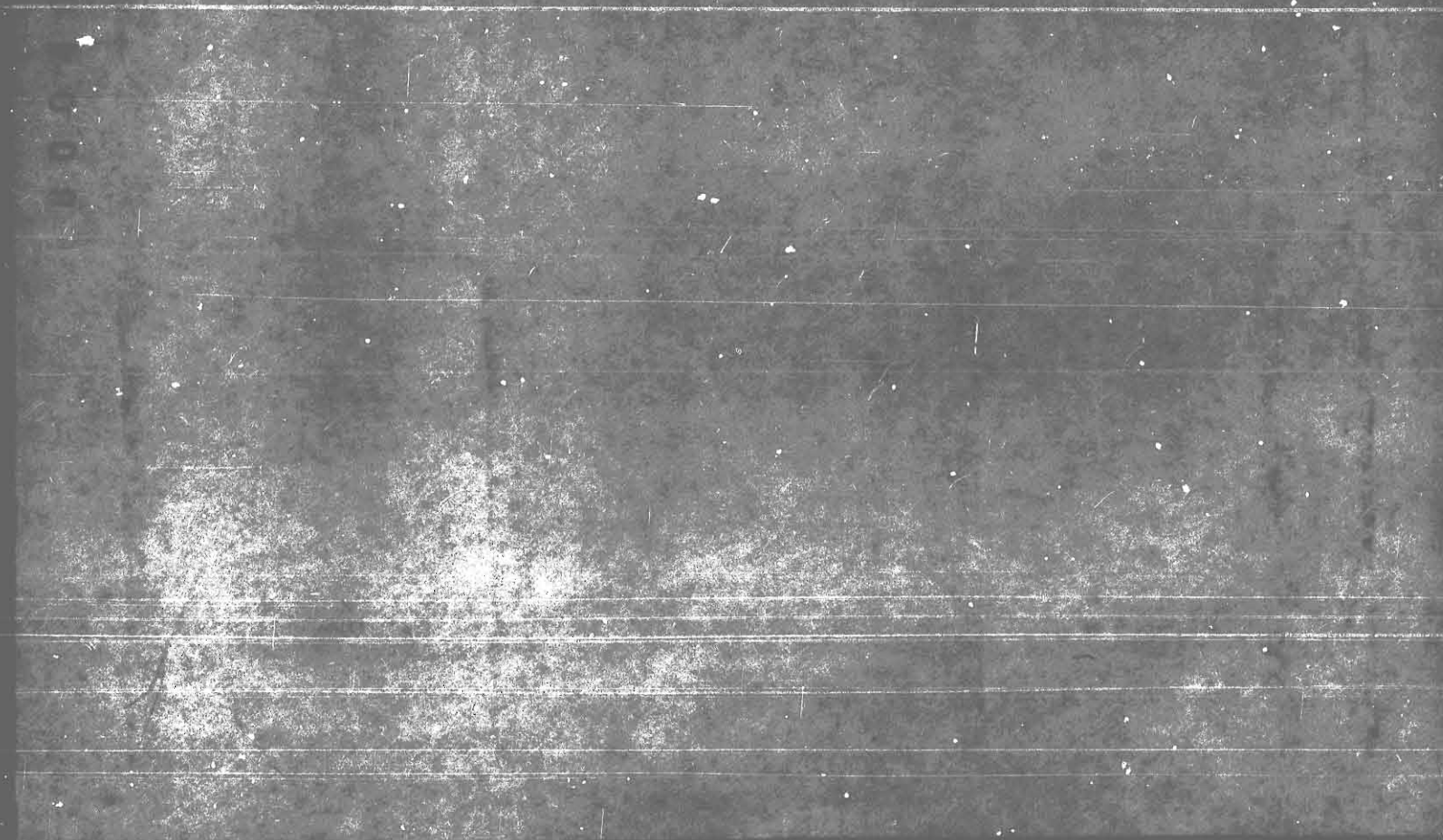
Signature

Frank P. Reiche

OBJECTIONS, SIGNED AND DATED, MUST BE RECEIVED IN THE COMMISSION SECRETARY'S OFFICE NO LATER THAN THE DATE AND TIME SHOWN ABOVE OR THE MATTER WILL BE DEEMED APPROVED. PLEASE RETURN ALL PAPERS TO THE OFFICE OF THE SECRETARY TO THE COMMISSION.



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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

July 14, 1980

MEMORANDUM TO: The Commission
FROM: Charles N. Steele
General Counsel
SUBJECT: MUR 1198

Attached is a re-draft of the letter to counsel for Maine
NOW-PAC incorporating the language suggested by the
Commission during the executive session July 1, 1980.

Attachment

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RECEIVED
OFFICE OF THE
COMMISSION SECRETARY

0004020452



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20543

**CERTIFIED MAIL
RETURN RECEIPT REQUESTED**

Paul F. Zendzian, P.A.
Attorney at Law
27 State Street
Bangor, Maine 04401

Re: MUR 1198

Dear Mr. Zendzian:

On April 1, 1980, the Commission notified your client of a complaint alleging that Maine NOW-PAC may have violated certain sections of the Federal Election Campaign Act of 1971, as amended (the "Act").

The Commission, on 1980, determined that on the basis of the information in the complaint and information provided by you that there is no reason to believe that a violation of any statute within its jurisdiction has been committed. Accordingly, the Commission has closed its file in this matter. This matter will become a part of the public record within 30 days.

The Commission does, however, wish to express its concern over the confusion which has apparently been caused by your client's use of the name Maine NOW-PAC while maintaining that it is unconnected either to the National Organization for Women ("NOW") or the Main National Organization for Women ("Maine NOW") and unaffiliated with the National Organization for Women Political Action Committee ("NOW-PAC"). Under recent amendments to the Act and Commission Regulations, the separate segregated fund of a corporation or labor organization must include the name of its connected organization in its own name. 2 U.S.C. § 432(e)(5) and 11 C.F.R. § 104.14(c). Should Maine

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Paul F. Sanderson, P.A.
Page Two

NOW-PAC undertake federal election related activities within the purview of the Act, a likely inference would be that either NOW or Maine NOW is the connected organization of Maine NOW-PAC. Such a state of affairs could lead to further complaints against Maine NOW-PAC.

Sincerely,

Charles N. Steele
General Counsel

00040204554

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
)
National Organization for Women)
National Organization for Women)
Political Action Committee)
Maine National Organization For)
Women Political Action Committee)

MUR 1198

CERTIFICATION

I, Marjorie W. Emmons, recording secretary for the
Federal Election Commission's executive session on July 1, 1980,
do hereby certify that the Commission decided by a vote of 5-0 to take
the following actions in MUR 1198:

1. Find no reason to believe that Maine NOW-PAC has
violated 2 U.S.C. §433 and §434 by failing to file
a Statement of Organization and reports of receipts
and disbursements as required of a political committee;
2. Find no reason to believe that Maine NOW-PAC has
violated 2 U.S.C. §441b(b) (4) by soliciting in its
bulletin contributions from the general public.
3. Find no reason to believe that Maine NOW-PAC has
violated 2 U.S.C. §435(b) or 11 CFR §102.13 by
failing to put a notice on its brochure;
4. Find no reason to believe that NOW-PAC has violated
2 U.S.C. §433(b) by failing to list Maine NOW-PAC as
an affiliated organization in its Statement of
Organization.
5. Direct the Office of General Counsel to circulate
amended letters to respondents and complainant for
Commission approval.
6. Close the file in this matter.

Attest:

7/8/80

Date

Marjorie W. Emmons

Marjorie W. Emmons
Secretary to the Commission

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20543

MEMORANDUM TO: CHARLES STEELE *made*
FROM: MARJORIE W. EMMONS/MARGARET CHANEY *me*
DATE: JUNE 25, 1980
SUBJECT: OBJECTION -
MUR 1198 - First General Counsel's Report
dated 6-23-80: Received in OCS 6-23-80, 12:28

The above-named document was circulated on a 48
hour vote basis at 4:00, June 23, 1980.

Commissioner Reiche submitted an objection at 2:23, June 25,
1980. A copy of his vote sheet is attached with comments.

This matter will be placed on the Executive Session
Agenda for Tuesday, July 1, 1980.

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FEDERAL ELECTION COMMISSION

1115 K STREET N.W.
WASHINGTON, D.C. 20461

Date and Time Transmitted: MONDAY, 6-23-80

4:00 PM

Commissioner FRIEDERSDORF, AIKENS, TIERNAN, MCGARRY, REICHE, HENRICH

RETURN TO OFFICE OF COMMISSION SECRETARY BY: WEDNESDAY, JUNE 25, 1980

4:00 PM

MUR No. 1198 - First General Counsel's Report dated 6-23-80

- () I approve the recommendation
(X) I object to the recommendation

COMMENTS:

I believe further pursuit is indicated.

Date: 6/25/80

Signature:

Frank P. Reiche

THE OFFICE OF GENERAL COUNSEL WILL TAKE NO ACTION IN THIS MATTER UNTIL THE APPROVAL OF FOUR COMMISSIONERS IS RECEIVED. PLEASE RETURN ALL PAPERS NO LATER THAN THE DATE AND TIME SHOWN ABOVE TO THE OFFICE OF COMMISSION SECRETARY. ONE OBJECTION PLACES THE ITEM ON THE EXECUTIVE SESSION AGENDA.



N

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RECEIVED
OFFICE OF
COMMISSION SECRETARY

1225 K Street, N.W.
Washington, D.C. 20005

FIRST GENERAL COUNSEL'S REPORT

DATE AND TIME OF TRANSMITTAL
BY OGC TO THE COMMISSION JUN 23 1980

NR 1
DATE COMPLAINT RECEIVED
BY OGC
STAFF WILLIAM J. BROWN/PAUCO

COMPLAINANT'S NAME: National Right to Life Committee
James Bopp, Jr.

RESPONDENT'S NAME: National Organization For Women
National Organization For Women
Political Action Committee
Maine National Organization For Women
Political Action Committee

RELEVANT STATUS: 2 U.S.C. § 431(4), § 433, § 433(b)(2),
§ 434, § 435(b), § 441b(b)(4)
11 CFR § 102.13

INTERNAL REPORTS CHECKED: B-alpha Index

FEDERAL AGENCIES CHECKED: None

SUMMARY OF ALLEGATIONS

The National Right to Life Committee ("NRLC") submitted a signed sworn complaint (Exhibit I) to the Federal Election Commission ("Commission") on March 28, 1980, alleging that Maine National Organization for Women Political Action Committee ("Maine NOW-PAC") violated 2 U.S.C. § 441b by soliciting contributions from persons who were not members of the National Organization for Women ("NOW") and by soliciting persons to become members of NOW.

In addition, the complainant alleges that Maine NOW-PAC^{1/} failed to include the disclaimer required by 11 CFR § 102.13^{1/}

^{1/} It appears that the complaint is referring to the regulations prior to their revision. The regulations were revised by the Commission so as to conform to the Federal Election Campaign Act Amendments of 1979, Pub. L. No. 96-187, effective January 8, 1980.

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on a solicitation for contributions. The complainant requests that Maine NOW-PAC be instructed to return the allegedly illegally solicited funds to their donors.

FACTUAL AND LEGAL ANALYSIS

In its complaint, NRLC states that Maine NOW-PAC solicited non-member Maureen Sutton on February 11, 1980, for a contribution when Ms. Sutton read a brochure which had been posted on a bulletin board at the University of Southern Maine. The brochure advocates that women should have the right to choose whether or not they want an abortion and appears to make four types of solicitations. They are: 1) a solicitation of contributions to Maine NOW-PAC; 2) a solicitation of persons "willing to work in a political campaign for choice;" 3) a solicitation for persons to join NOW; and 4) a solicitation of donations to NOW (Exhibit I, pages 4 and 5).

The NRLC complaint alleges that NOW is the connected organization of Maine NOW-PAC and that Maine NOW-PAC is affiliated with the National Organization for Women Political Action Committee ("NOW-PAC"). The complaint states, "[a]pparently, Maine NOW-PAC is an affiliated or subordinating Political Action Committee to NOW-PAC." In light of the alleged interconnections among these groups, NRLC characterizes violations of the Act flowing from the brochure as follows: "Maine NOW-PAC . . . has solicited members and contributions in violation of federal election law." The complaint requests that the Commission conduct an investigation to determine whether NOW-PAC or its affiliated or subordinate political action committees, including Maine NOW-PAC, "are soliciting contributions or membership from persons who are not members of NOW, its connected organization."

Although somewhat ambiguously phrased, this part of the complaint essentially alleges five violations of the Act: (1) that Maine NOW-PAC is unlawfully soliciting donations to NOW; (2) that Maine NOW-PAC is unlawfully soliciting membership in NOW; (3) that Maine NOW-PAC is a separate segregated fund of NOW unlawfully soliciting contributions from persons who are not members of NOW (or possibly that Maine NOW-PAC is a separate segregated fund of Maine National Organization for Women ("Maine NOW") unlawfully soliciting contributions from persons who are not members of Maine NOW); (4) that Maine NOW-PAC has failed to register and report with the Commission; and, (5) that NOW-PAC and Maine NOW-PAC are affiliated committees and that NOW-PAC has not reported such affiliation in its reports filed with the Commission.

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The first two alleged violations are easily disposed of with since there is no statutory provision in the Act which prohibits an organization from soliciting the general public for donations to or for membership in an incorporated membership organization. Therefore, Maine NOW-PAC's invitation to the general public to make a donation to NOW or to join NOW is not a violation of the Act.

With respect to the third alleged violation, however, the relevant portions of the Act must be examined to ascertain whether the alleged facts constitute activity which § U.S.C. § 441b(b)(4) might prohibit. As part of the Act's general prohibition against corporate spending in connection with federal elections, this section reads in relevant part as follows:

it shall be unlawful --

(i) for a corporation, or a separate segregated fund established by a corporation, to solicit contributions to such a fund from any person other than its stockholders and their families and its executive or administrative personnel and their families . . .

(c) This paragraph shall not prevent a membership organization, cooperative, or corporation without capital stock, or a separate segregated fund established by a membership organization, cooperative, or corporation without capital stock, from soliciting contributions to such a fund from members of such organization, cooperative, or corporation without capital stock.

Taken together these sections of the Act require that to constitute a violation in this matter Maine NOW-PAC must first be a separate segregated fund either of NOW or of Maine NOW, and second, have solicited non-members of either of those groups for contributions in connection with a federal election.

The evidence that Maine NOW-PAC is in fact a separate segregated fund of NOW or of Maine NOW is inconclusive. Beside the bare allegation by NRLC, the only evidence supporting this allegation in the complaint is the inference drawn from Maine NOW-PAC's name and of Maine NOW-PAC's solicitation of donations, members, and dues to NOW. The solicitations for full membership in NOW requests payment of \$27 membership dues which

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includes: \$20 to the "National", \$2 to the "State" and \$3 to the "nearest chapter." This allocation of \$5 to the nearest chapter is of uncertain reference. The nearest chapter may mean a local chapter of the NOW organization or it may mean the Maine NOW-PAC. These solicitations raise questions regarding the authority under which Maine NOW-PAC makes them, suggesting the possibility that NOW, Maine NOW, or both, have directly or indirectly established, administered, or financially supported Maine NOW-PAC.

Maine NOW-PAC in its response to the complaint (Exhibit III), through counsel, indicates that it is an unincorporated association, having no defined legal status. It has no by-laws. It has two officers, a president and a treasurer. Maine NOW-PAC further states that it was formed in 1979 by eleven Maine residents, some of whom, but not all, were members of Maine NOW. Maine NOW-PAC further states that it is not the separate segregated fund of Maine NOW or of NOW as it was not established nor is it administered or financially supported by either organization. Maine NOW-PAC also states that it is not affiliated with NOW-PAC in that it denies any common establishment, financing, maintenance or control. According to Maine NOW-PAC it received \$50.97 in contributions and had no expenditures in calendar year 1979. In calendar year 1980, through March 31, 1980, Maine NOW-PAC received \$254.52 in contributions and made expenditures, but no expenditures were made in support of any candidate.

NOW and NOW-PAC in their response to the complaint (Exhibit II and IV), through counsel, state that Maine NOW-PAC is not the separate segregated fund of NOW and state that Maine NOW-PAC and NOW-PAC are not affiliated.

Maine NOW-PAC, NOW, and NOW-PAC do not address why Maine NOW-PAC is soliciting dues, members, and donations for NOW. Neither do they address whether Maine NOW-PAC receives a percentage of the dues or donations which it solicits for NOW.

Assuming for discussion purposes that Maine NOW-PAC is a separate segregated fund of NOW or of Maine NOW, the second question is, did it solicit non-members of either of those groups for contributions in connection with a federal election. Maine NOW-PAC does not address this issue in its response. All that can be said is that the brochure appeared on a bulletin board at the University of Southern Maine. There is no evidence which indicates who posted the brochure or if in fact it was disseminated by Maine NOW-PAC.

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Taking all of these factors into consideration, and especially in light of the denial of Maine NOW-PAC and of NOW that Maine NOW-PAC is the separate segregated fund of NOW or Maine NOW, the Office of General Counsel is of the opinion that the complaint does not warrant a finding of reason to believe by the Commission that Maine NOW-PAC has violated 2 U.S.C. § 441b(b)(4).

In regard to the fourth alleged violation, as there is no evidence that Maine NOW-PAC has received contributions or made expenditures aggregating in excess of \$1,000 during a calendar year, and as it appears that Maine NOW-PAC is not a separate segregated fund, Maine NOW-PAC is not a political committee as defined by 2 U.S.C. § 431(4) and is not required to register and report in conformance with 2 U.S.C. § 433 and § 434.

The fifth alleged violation is that Maine NOW-PAC and NOW-PAC are affiliated. However, there is nothing in the complaint, aside from those factors which were discussed in regard to Maine NOW-PAC being the separate segregated fund of NOW or Maine NOW, to substantiate a finding of affiliation. Further, Maine NOW-PAC and NOW-PAC expressly deny affiliation. Thus, it is the opinion of the Office of General Counsel that a finding that Maine NOW-PAC and NOW-PAC are affiliated and that NOW-PAC should have listed Maine NOW-PAC as an affiliated organization on its Statement of Organization is unsupported.

Lastly, NRLC alleges that Maine NOW-PAC violated 11 CFR § 102.13 (2 U.S.C. § 435(b)) by failing to include on the brochure a notice that Maine NOW-PAC's reports are filed with the Commission and are available to the public. However, as it appears that Maine NOW-PAC is not a political committee, there is no requirement that it include such a notice on the brochure. In any event, 2 U.S.C. § 435(b) was revoked by Pub. L. No. 96-187, the Federal Election Campaign Act Amendments of 1979; and the corresponding regulation, 11 CFR § 102.13, was revised so as to conform with the Act as amended. Thus, political committees no longer have to include a notice on their solicitations that their reports are on file with the Commission and are available to the public.

RECOMMENDATIONS

The Office of General Counsel recommends that the Commission:

- 1) find no reason to believe that Maine NOW-PAC has violated 2 U.S.C. § 433 and § 434 by failing to file a Statement of Organization and reports of receipts and disbursements as required of a political committee;

- 2) find no reason to believe that NOW-PAC has violated 2 U.S.C. § 433(a) by failing to disclose its contributions;
- 3) find no reason to believe that NOW-PAC has violated 2 U.S.C. § 433(b) or 2 U.S.C. § 433(c) by failing to put a notice on its documents;
- 4) find no reason to believe that NOW-PAC has violated 2 U.S.C. § 433(d) by failing to list Maine NOW-PAC as an affiliated organization in its Statement of Organization;
- 5) approve and authorize the sending of the attached letters to NRLC, to Maine NOW-PAC, and to NOW and NOW-PAC; and,
- 6) close the file.

Attachments:

- Exhibit I - Complaint of NRLC dated March 25, 1980.
- Exhibit II - Response of NOW and NOW-PAC dated April 24, 1980.
- Exhibit III - Response of Maine NOW-PAC dated April 25, 1980.
- Exhibit IV - Response of NOW and NOW-PAC dated May 13, 1980.
- Letter to NRLC.
- Letter to Maine NOW.
- Letter to NOW and NOW-PAC.

60040204564

Federal Election Commission
1325 K Street N.W.
Washington, D.C. 20463

507160

Dear Ladies & Gentlemen:

On behalf of National Right to Life Committee "NRLC" I am filing the following complaint of violation of federal election laws by the National Organization For Women Political Action Committee and the Maine NOW-PAC.

The Maine NOW-PAC is a Political Action Committee whose Treasurer is Joanne Dauphinee, 23 March Street, Bangor, Maine 04401. This PAC claims to be affiliated with the National Organization For Women Political Action Committee which is registered with the Federal Election Commission and is the connected PAC to the National Organization For Women. Apparently, Maine NOW-PAC is an affiliated or subordinating Political Action Committee to NOW-PAC. As a PAC connected to a membership organization, it is prohibited from soliciting contributions from any person not a member of the connected organization. 2 USC § 441 b.

Maine NOW-PAC, however, has solicited members and contributions in violation of federal election laws. Specifically, on February 11, 1980, Maureen Sutton found a brochure soliciting members and contributions from Maine NOW-PAC on the bulletin board of the University of Southern Maine as revealed in her affidavit which is attached herewith.

Accordingly, we request that the Federal Election Commission immediately investigate this complaint and determine whether or not the National Organization For Women Political Action Committee and its affiliated or subordinating PACs including Maine NOW-PAC are soliciting contributions or membership from persons who are not members of NOW, its connected organization.

Exhibit I

Federal Election Commission
Page Two
March 25, 1980

In addition, the solicitation for contributions by Maine NOW-PAC has failed to include the required disclaimer, 11 CFR 102.13. We request the Federal Election Commission to investigate whether or not NOW-PAC and its affiliated or subordinated PAC such as Maine NOW-PAC are failing to comply with this requirement of the law.

To prevent illegal funds from being used in 1980 elections, we request that NOW-PAC and Maine NOW-PAC be instructed to return these funds illegally solicited to the donor.

Under penalties for perjury, I believe that the above is true and correct to the best of my knowledge and I have personally prepared this complaint. This complaint was not filed for or on behalf of any candidate.

Sincerely,

BRAMES, BOPP & HAYNES

By: James Bopp Jr.

Subscribed and sworn to before me a Notary Public in and for Vigo County, Indiana, this 25th day of March, 1980.

Sandra Colglazier
Sandra Colglazier, Notary Public

My Commission Expires:
October 25, 1983

60040204566

I, Maureen Sutton, first being sworn, hereby depose and state:

1. I reside at 33 Neal Street, Portland, Maine.
2. On February 11, 1980, I found the attached brochure of Maine NCW-PAC on the bulletin board of the University of Southern Maine.

DATED: March 9, 1980

Maureen Sutton
Maureen Sutton

STATE OF MAINE
CUMBERLAND, SS.

March 9, 1980

Personally appeared the above-named Maureen Sutton and made oath that the foregoing Affidavit by her subscribed is true and correct.

Before me,

Ralph J. [Signature]
Notary Public

80040204567

The National Organization for Women believes in your right to choose

PRO-CHOICE MEANS

- if you want to have children, the government has no right to interfere
- consenting to sterilization should not be a requirement of other procedures (childbirth or abortion)
- the government has no right to demand that your pregnancy be revealed to either your husband or parents
- the community and government should provide information and access to contraceptive information and services
- when all is said and done, it is the pregnant woman's RIGHT to decide whether or not to terminate her pregnancy
- every woman, regardless of income, has a right to medical care during pregnancy, childbirth, or abortion
- support for research on birth defects, genetic counseling, birth control, pre- and post-natal care, and quality reproductive health care
- respect for women, our right to privacy, our right to religious freedom, our right to choose the number and the spacing of our children

ANTI-CHOICE MEANS

- anti-contraceptives
- anti-IUD's
- anti-birth control pills
- anti-voluntary sterilization
- anti-family planning
- anti-amniocentesis
- anti-birth defects research
- anti-responsible sex education
- anti-right to privacy
- anti-separation of church and state
- anti-abortion even to save the woman's life
- anti-woman's right to choose

"Right to Life" in Pennsylvania advocates death as a punishment for abortion

ANTI-CHOICE IS ANTI-PEOPLE. THEY MUST BE STOPPED!

MYTH: No one has to get pregnant in this day and age. Forced pregnancy is the price for being careless or ignorant.

MYTH: We can't afford to pay for the abortions of poor women.

MYTH: If contraceptive information and services are improved, it will encourage teens to have more sexual relationships.

MYTH: Anti-choice is pro-life.

FACT: It costs far less to pay for abortions than to pay for forced pregnancies, support for mother and child, and medical care for the victims of botched abortions.

FACT: One-third of all couples practicing birth control for five years has an unwanted pregnancy. Only men are secure in the knowledge that they can't get pregnant.

FACT: 5,000 women between the ages of 14 and 20 become pregnant in Maine each year. 70% are using no method of birth control. Teen pregnancies are an alarming reality. Contraceptive information and access, good pre- and post-natal care, and safe, legal abortions are all responses to the needs of our young women.

FACT: Four times as many women die of childbirth as of legal abortion. Teens have the highest mortality and morbidity rate. When your life and health are at stake, the choice should be yours.

..... did you know

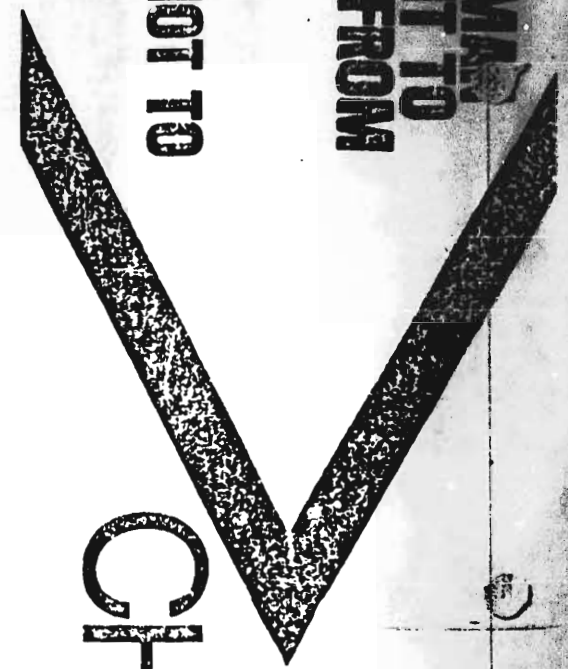
- 80% of Maine people support the right of a woman to choose whether or not to terminate her pregnancy
- every pro-choice incumbent legislator identified by Maine anti-choice won re-election to the 109th Maine legislature
- even though the Democrats support abortion funding and voted that support into the Maine Democratic platform, every male Democratic senator voted the anti-choice position.

- Maine NOW testified at every hearing concerning Choice in the 109th legislature
- Maine NOW lobbied every Maine legislator on the issue of Choice, over half in person or by phone
- the Maine Legislature did not once support the pro-choice position on any piece of legislation in the 109th.

We must truly weigh what we know to be true. Childbirth can be an affirmation of life or a resignation to it.

Abortion can also be an affirmation of life, a position commitment to ourselves, and to those already in our lives.

SHOULD A WOMAN
HAVE THE RIGHT TO
CHOOSE, FREE FROM
GOVERNMENT
INTERFERENCE,
WHETHER OR NOT TO
CONTINUE HER
PREGNANCY?



PRO
CHOICE

DEDUCTIBLE CONTRIBUTION TO:

"MAINE NOW-PAC"

JoAnne Dauphinee, Treasurer
23 March St., Bangor, ME 04401

NAME _____

ADDRESS _____

TOWN _____

AMOUNT _____ ZIP _____

I WOULD BE WILLING TO WORK IN A
POLITICAL CAMPAIGN FOR CHOICE.
PLEASE CALL IF YOU NEED ME.
YES ☐ NO ☐

☐ I WISH TO JOIN NOW. HERE ARE MY DUES
ENTITLING ME TO NATIONAL AND STATE
NEWSLETTERS AND ACTION ALERTS AND
VOTING RIGHTS.

☐ Regular Dues \$27 (20 National, 2 State,
5 nearest chapter)

☐ Special dues \$10 - For those who can't afford
more (7 to national, 1 to state, 2 to chapter)

☐ Bargain Basement \$_____ (Fill in amount —
Now does not discriminate on the basis of
income)

☐ Contribution \$_____

Thanks!

CURTIS CUTTER SPROUL

April 24, 1980

WASHINGTON, D.C. 20004

Lee Anderson, Esq.
Gary Johansen, Esq.
Federal Election Commission
Office of the General Counsel
1325 K Street, N.W.
Washington, D.C.

Re: Maine NOW-PAC; Re: MUR 1198

Dear Messrs. Anderson and Johansen

We are the attorneys for NOW-PAC, the political action committee for the National Organization For Women, 425 13th Street N.W., Suite 1048, Washington, D.C. 20004. This morning I received copies of a Matter Under Review concerning a brochure containing references to political participation which was allegedly prepared by the Maine NOW-PAC. A complaint was filed with the Federal Election Commission by the attorneys for the National Right to Life Committee claiming a violation of 2 USC§441b on the basis that this brochure was found on a bulletin board of the University of Southern Maine.

The Main NOW-PAC is represented by Paul F. Zendzian Esquire who will be filing a response on behalf of that organization. Nevertheless, the National Organization For Women - Political Action Committee has also been named in the complaint and therefore this office will be responding on behalf of NOW-PAC. We have not yet had an opportunity to consult with the principals of Maine-NOW to gain an understanding of the circumstances involved in this incident or the purpose of the brochure. Accordingly, we wish to respectfully request the opportunity to file a supplemental response within the next 5 business days.

21:2 Exhibit II

Lee Anderson, Esq.
Gary Johansen, Esq.
Dated: April 24, 1980
Page 2

At the present time I wish to note:

1. Although a membership organization or a separate segregated fund established for political purposes is prohibited from making partisan communications to persons other than its members, there is presently no evidence here that this particular communication was disseminated by the organization (or PAC) beyond its members. Reasonable efforts may have been made to restrict the class of communicants to members of Maine-NOW. In fact, the brochure could have been posted on the University campus by a member or by some other person who came into possession of the brochure.
2. The brochure does not identify any particular political campaign or request monetary contributions to any particular political campaign.
3. What the brochure does present is an opportunity for the recipient to express a willingness to work in a "political campaign" as selected by the recipient. By completing the brochure and returning it to Maine-NOW a pool of workers could be developed but it is debatable whether the request for an expression of willingness is the sort of call to action which can be characterized as the solicitation of a contribution.
4. On the documents I have received, the only communication which is arguably partisan is the sentence reading
"I would be willing to work in a political
campaign for choice. Please call if you
need me. Yes [] No []"

The balance of the brochure contains a request to join the National Organization of Women and a discussion of issues relating to sterilization, birth control and abortion. These topics are certainly political and involve national campaigns, but the campaigns are over issues, not individual candidates for public office. Here the issue is freedom of choice.

This office will communicate with Ms. JoAnne Dauphinee and other principals in Maine NOW-PAC in an effort to clarify the circumstances involved here. Both the national NOW-PAC

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Yed Anderson, Esq.
Gary Johnson, Esq.
Dated: April 24, 1980
Page 3

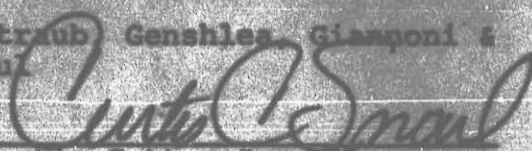
and Maine NOW-PAC wish to comply in every respect with the Federal Election Campaign Act and are making every effort to do so. I am sure that there was no intentional violation of the Act involved here and I doubt whether any violation did, in fact occur.

The final allegation contained in the Complaint was the alleged failure of Maine NOW-PAC to comply with the disclaimer requirements of 11 CFR 102.13. In response I wish to note that if the brochure contains no solicitations of contributions under federal law, the requirements of Section 102.13 do not apply.

Sincerely,

Weintraub Genshles Gianponi &
Sprout

By


Curtis Cutter Sprout

00040204572

PAUL F. KENDRICK, P.A.
ATTORNEY AT LAW
1325 K STREET N.W.
WASHINGTON, D.C. 20004

PAUL F. KENDRICK
ATTORNEY AT LAW

April 25, 1980

Federal Election Commission
1325 K Street N.W.
Washington, D.C. 20463

Att: Lee Andersen

MUR 1198

Dear Mr. Andersen:

This letter is issued in response to the Commission's notification of the filing of a Complaint against Maine NOW-PAC by the National Right To Life Committee, which notification was received by Joanne Dauphinee, treasurer of Maine NOW-PAC, on April 7, 1980. In a subsequent telephone conversation with you I was advised that my client's response was due within fifteen working days. Since the date of the receipt would not be counted, this response is due April 28 th. I will point out, for the record, that there was a holiday in Maine on April 21 (Patriot's Day), but that I have counted it as a working day anyway.

I have met with Ms. Dauphinee and fully reviewed the organization and structure of Maine NOW-PAC. After examining the relevant statutory and regulatory law, it is my conclusion that Maine NOW-PAC has not been, and is not now, in violation of either the Federal Elections Campaign Act of 1971, as amended, or Chap. 95 or 96 of Title 26, U.S.C.

Maine NOW-PAC was formed in 1979 by eleven Maine residents, some of whom, but not all, were members of Maine NOW. Maine NOW-PAC is an unincorporated association, having no defined legal status. It is not capable of suing or being sued, except in the name of all members. It has no by-laws and only two officers: a president and a treasurer. In calendar year 1979 it received \$50.97 in contributions and had no expenditures. In 1980, through March 31, 1980, contributions were \$ 254.52 and expenditures were made, but none were in support of any candidates.

Maine NOW-PAC is not affiliated with, nor does it claim to be affiliated with, the National Organization For Women Political Action Committee, as has been alleged in the Complaint filed with the Commission. The flyer attached to the Complaint contains no evidence of such an affiliation or claim of affiliation.

Maine NOW-PAC is not a "political committee" as defined in 2 U.S.C. 431(d) or 11 C.F.R. § 100.14. Neither is it a connected organization (11 C.F.R. § 100.15) as it is autonomous and was not established, directly or indirectly, administered or supported by a membership organization.

Exhibit III

Mr. [illegible]
[illegible]
[illegible]

In conclusion, I do not perceive any basis upon which the
filed Complaint could be sustained. Maine NOW-PAC is in full
compliance with applicable Maine law, however we do not believe
that, under the circumstances related above, the federal law is
applicable. If you have any questions on this please contact me.

Very truly yours,



Paul P. Zandzian

80040204574

WEINTRAUB, GENSHELA, GIANNONE & SPINALE

CURTIS CUTLER SPINALE

LAWYERS

May 13, 1980

1000 PAVILION HALL, SUITE 1000
SAN FRANCISCO, CALIFORNIA 94104
TELEPHONE 816 443-0181

Lee Anderson, Esq.
Gary Johansen, Esq.
Federal Election Commission
Office of the General Counsel
1325 "K" Street, N.W.
Washington, D. C.

558030

Re: Maine NOW-PAC; Re: MUR 1198

Dear Messrs. Anderson and Johansen:

This letter will further supplement my letter April 24, 1980, regarding the above-referenced Matter Under Review. Since the date of that letter I have had an opportunity to speak with both Paul P. Zendzian, Esquire and Ms. Joanne Dauphinee, Treasurer of Maine NOW-PAC. As the attorneys for the National Organization for Women Political Action Committee ("NOW-PAC") we submit the following additional information in defense of the charge which has been raised that NOW-PAC has violated the Federal Election Campaign Act of 1971, as amended ("The Act") and/or Chapters 95 and 96 of Title 26, United States Code:

1. NOW-PAC finds itself involved in this matter due to the assertion made by the attorneys for the National Right To Life Committee that Main NOW-PAC

"claims to be affiliated with the National Organization For Women Political Action Committee which is registered with the Federal Election Commission and is the connected PAC to the National Organization For Women. Apparently, Maine NOW-PAC is an affiliated or subordinating political action committee to NOW-PAC."

Apart from this bald statement, no evidence is offered in support of the claim that Maine NOW-PAC is a "connected organization" within the meaning of 11 C.F.R. §100.15, insofar as the National Organization For Women or NOW-PAC are concerned. After speaking with both Ms. Dauphinee and Mr. Zendzian I am confident that there is no substantiation

28 MAY 16 11:32

RECEIVED

Exhibit IV

00040204375

Leo Anderson, Esq.
- and -
Gary Johansen, Esq.
Re: Maine NOW-PAC
Re: MUR 1198
May 13, 1980
Page Two

for these claims in that Maine NOW-PAC was not established, administered or financially supported, directly or indirectly by either Maine NOW or the National Chapter of the National Organization For Women. As Mr. Zendzian states in his letter of April 25, 1980, Maine NOW-PAC was formed by eleven Maine residents some of whom, but not all, were members of Maine NOW.

2. I was also able to confirm in my conversations with Ms. Dauphinee that the dollar amounts of contributions and expenditures set forth in the third paragraph of Mr. Zendzian's letter are correct. This being the case, the Maine NOW-PAC does not even come close to reaching the threshold of a "political committee" as that term is defined in §100.14 of the F.E.C. Regulations.

3. I can confirm, insofar as NOW-PAC and the National Organization For Women (National) is concerned that neither has participated, or aided, directly or indirectly in the establishment, administration or financial support of Maine NOW-PAC. Furthermore, Maine NOW-PAC is not an affiliated committee of NOW-PAC as that term is defined in §100.14(c)(2) of the F.E.C. Regulations, in that Maine NOW-PAC does not appear to be connected with the Maine Chapter of the National Organization For Women within the meaning of §100.15 of the F.E.C. Regulations. Furthermore, there is no direct affiliation between Maine NOW-PAC and either NOW-PAC or the National Organization For Women (National).

4. The final point we wish to raise was touched upon in our previous letter of April 24, 1980, namely that Maine NOW-PAC is an issue oriented committee, which has not made any contributions or expenditures in connection with Federal candidates. During the current elections, Maine has no senators standing for re-election and there are only two congressional seats at issue. NOW-PAC is informed and believes and thereupon alleges that neither of these contests are being supported financially or otherwise by Maine NOW-PAC. Furthermore, Maine NOW-PAC has not been active in any sense either in support of, or in opposition to, any campaign for the United States Presidency. Accordingly, Maine NOW-PAC has not made any "contribution" or "expenditure" as those terms are defined in the Act and in §100.4 and §100.7 of

00040204576

80040204577
Lee Anderson, Esq.
- and -
Gary Johansen, Esq.
Re: Maine NOW-PAC
Re: MUR 1198
May 13, 1980
Page Three

the F.E.C. Regulations. As an organization which is unconnected with any corporate entity and which receives and spends monies only in support of issues, rather than candidates for a public office, Maine NOW-PAC is not subject to the restrictions on communications by separate segregated funds set forth in Part 114 of the F.E.C. Regulations.

If the Federal Election Commission is in need of any additional information or if you have any further questions, please do not hesitate to contact me at the number noted above.

Sincerely,


Curtis Cutter Sproul

CCS:sl
cc: Eleanor Smeal
Paul Zendzian



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20543

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

James Bopp, Jr.
Brames, Bopp and Haynes
900 Sycamore Building
19 South Sixth Street
Tere Haute, Indiana 47807

Re: NUR 1198

Dear Mr. Bopp:

The Federal Election Commission has reviewed the allegations of your complaint dated March 25, 1980, and determined that on the basis of the information provided in your complaint and information provided by the Respondent that there is no reason to believe that a violation of the Federal Election Campaign Act of 1971, as amended (the "Act") has been committed.

Specifically, Maine NOWPAC's solicitation of memberships to national NOW or NOW-PAC are not prohibited by the Act. There is simply no statutory prohibition against the solicitation of membership in an organization by a political committee. Further, after investigating your complaint, there appears to be insufficient evidence that Maine NOW-PAC is the separate segregated fund of NOW or Maine NOW to warrant further Commission action on your allegation that Maine NOW-PAC made solicitations prohibited by 2 U.S.C. § 441b(b)(4). Similarly, the Commission has found no reason to believe that Maine NOW-PAC is affiliated with NOW-PAC such that the 2 U.S.C. §§ 433 and 434 registering and reporting requirements would be brought into play with respect to Maine NOW-PAC.

Finally, since it appears that Maine NOW-PAC is not a political committee as defined by the Act, there is no requirement that it include such a notice on its brochure. However, for future reference you should note 2 U.S.C. § 435 was revoked by Pub. L. No. 96-187, the Federal Election Campaign Act amendments of 1979; and the corresponding regulation, 11 C.F.R. § 102.13, was revised to conform with the Act as amended. Thus, political committees no longer have to include a notice on their solicitations that their reports are on file with the Commission and are available to the public.

James Bopp, Jr.
Page Two

Accordingly, the Commission has decided to close the file in this matter.

Should additional information come to your attention which you believe establishes a violation of the Act, please contact R. Lee Andersen or Dolores Pesce, staff members assigned to this matter, at (202)523-5071.

Sincerely,

Charles N. Steele
General Counsel

80040204579



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20543

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Paul F. Zenzian, P.A.
Attorney at Law
27 State Street
Bangor, Maine 04401

Re: MUR 1198

Dear Mr. Zenzian:

On April 1, 1980, the Commission notified your client of a complaint alleging that Maine NOW-PAC may have violated certain sections of the Federal Election Campaign Act of 1971, as amended.

The Commission, on June 1, 1980, determined that on the basis of the information in the complaint and information provided by you that there is no reason to believe that a violation of any statute within its jurisdiction has been committed. Accordingly, the Commission has closed its file in this matter. This matter will become a part of the public record within 30 days.

Sincerely,

Charles N. Steele
General Counsel

80040004500



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20543

**CERTIFIED MAIL
RETURN RECEIPT REQUESTED**

Curtis Sproul
Weintraub, Genshlea, Giannoni
and Sproul
555 Capitol Mall, Suite 1255
Sacramento, California 95814

Re: MUR 1198

Dear Mr. Sproul:

On April 1, 1980, the Commission notified JoAnn Daphnee of a complaint alleging that Maine NOW-PAC may have violated certain sections of the Federal Election Campaign Act of 1971, as amended.

The Commission, on June 1, 1980, determined that on the basis of the information in the complaint and information provided by you that there is no reason to believe that a violation of any statute within its jurisdiction has been committed. Accordingly, the Commission has closed its file in this matter. This matter will become a part of the public record within 30 days.

Sincerely,

Charles N. Steele
General Counsel

WENTRAUB, GENSEL & GRANNON

CURTIS E. SPROUL

LAWYERS

May 13, 1980

CAPITOL HILL, SUITE 1200

WASHINGTON, D.C. 20540

TELEPHONE 202-443-0100

Lee Anderson, Esq.
Gary Johansen, Esq.
Federal Election Commission
Office of the General Counsel
1325 "K" Street, N.W.
Washington, D. C.

008033

Re: Maine NOW-PAC; Re: PUR 1190

Dear Messrs. Anderson and Johansen:

This letter will further supplement my letter of April 24, 1980, regarding the above-referenced Matter Under Review. Since the date of that letter I have had an opportunity to speak with both Paul F. Zendzian, Esquire and Ms. Joanne Dauphinee, Treasurer of Maine NOW-PAC. As the attorneys for the National Organization for Women Political Action Committee ("NOW-PAC") we submit the following additional information in defense of the charge which has been raised that NOW-PAC has violated the Federal Election Campaign Act of 1971, as amended ("The Act") and/or Chapters 95 and 96 of Title 26, United States Code:

1. NOW-PAC finds itself involved in this matter due to the assertion made by the attorneys for the National Right To Life Committee that Main NOW-PAC

"claims to be affiliated with the National Organization For Women Political Action Committee which is registered with the Federal Election Commission and is the connected PAC to the National Organization For Women. Apparently, Maine NOW-PAC is an affiliated or subordinating political action committee to NOW-PAC."

Apart from this bald statement, no evidence is offered in support of the claim that Maine NOW-PAC is a "connected organization" within the meaning of 11 C.F.R. §100.15, insofar as the National Organization For Women or NOW-PAC are concerned. After speaking with both Ms. Dauphinee and Mr. Zendzian I am confident that there is no substantiation

20 MAY 16 P 1:32

GENERAL COUNSEL
FEDERAL ELECTION COMMISSION
RECEIVED

for these claims is that Maine NOW-PAC was not established, administered or financially supported, directly or indirectly, by either Maine NOW or the National Chapter of the National Organization For Women. As Mr. Sandsian states in his letter of April 23, 1980, Maine NOW-PAC was formed by eleven Maine residents some of whom, but not all, were members of Maine NOW.

2. I was also able to confirm in my conversations with Ms. Dauphinee that the dollar amounts of contributions and expenditures set forth in the third paragraph of Mr. Sandsian's letter are correct. This being the case, the Maine NOW-PAC does not even come close to reaching the threshold of a "political committee" as that term is defined in §100.14 of the F.E.C. Regulations.

3. I can confirm, insofar as NOW-PAC and the National Organization For Women (National) is concerned that neither has participated, or aided, directly or indirectly in the establishment, administration or financial support of Maine NOW-PAC. Furthermore, Maine NOW-PAC is not an affiliated committee of NOW-PAC as that term is defined in §100.14(c)(2) of the F.E.C. Regulations, in that Maine NOW-PAC does not appear to be connected with the Maine Chapter of the National Organization For Women within the meaning of §100.15 of the F.E.C. Regulations. Furthermore, there is no direct affiliation between Maine NOW-PAC and either NOW-PAC or the National Organization For Women (National).

4. The final point we wish to raise was touched upon in our previous letter of April 24, 1980, namely that Maine NOW-PAC is an issue oriented committee, which has not made any contributions or expenditures in connection with Federal candidates. During the current elections, Maine has no senators standing for re-election and there are only two congressional seats at issue. NOW-PAC is informed and believes and thereupon alleges that neither of these contests are being supported financially or otherwise by Maine NOW-PAC. Furthermore, Maine NOW-PAC has not been active in any sense either in support of, or in opposition to, any campaign for the United States Presidency. Accordingly, Maine NOW-PAC has not made any "contribution" or "expenditure" as those terms are defined in the Act and in §100.4 and §100.7 of

80040204504
Curtis Cutter Spaul, Esq.
Re: Maine NOW-PAC
Re: MEH 1198
May 11, 1980
Page Three

the F.E.C. Regulations. As an organization which is not connected with any corporate entity and which receives and spends monies only in support of issues, rather than candidates for a public office, Maine NOW-PAC is not subject to the restrictions on communications by separate segregated funds set forth in Part 114 of the F.E.C. Regulations.

If the Federal Election Commission is in need of any additional information or if you have any further questions, please do not hesitate to contact me at the number noted above.

Sincerely,


Curtis Cutter Spaul

CCS:sl

cc: Eleanor Smeal
Paul Zendzian

WEINTRAUB, GENSHLEA, GIANNONI & SPROUL

555 CAPITOL MALL, SUITE 1255

SACRAMENTO, CALIFORNIA 95814



Lee Anderson, Esq.
Gary Johansen, Esq.
Federal Election Commission
Office of the General Counsel
1325 "K" Street, N.W.
Washington, D. C.

OFFICIAL

000400045

60040204506

Maine NOW-PAC is not a "political committee" as defined in 2 U.S.C. 431(d) or 11 C.F.R. § 100.14. Neither is it a connected organization (11 C.F.R. § 100.15) as it is autonomous and was not established, directly or indirectly, administered or supported by a membership organization.

Paul F. Sanders

000400015

6004000150
PAUL F. ZENDZIAN, P.A.

ATTORNEY AT LAW

27 STATE STREET

BANGOR, MAINE 04401



FEDERAL ELECTIONS COMMISSION

1325 K STREET N.W.

WASHINGTON, D.C. 20463

CURTIS CUTLER SPROUL

April 24, 1980

ONE EIGHT EIGHT HALL, SUITE 1000
SACRAMENTO, CALIFORNIA 95814
TELEPHONE 916 443-2121

Lee Anderson, Esq.
Gary Johansen, Esq.
Federal Election Commission
Office of the General Counsel
1325 K Street, N.W.
Washington, D.C.

507713

Re: Maine NOW-PAC; Re: MUR 1198

Dear Messrs. Anderson and Johansen

We are the attorneys for NOW-PAC, the political action committee for the National Organization For Women, 425 13th Street N.W., Suite 1048, Washington, D.C. 20004. This morning I received copies of a Matter Under Review concerning a brochure containing references to political participation which was allegedly prepared by the Maine NOW-PAC. A complaint was filed with the Federal Election Commission by the attorneys for the National Right to Life Committee claiming a violation of 2 USC§441b on the basis that this brochure was found on a bulletin board of the University of Southern Maine.

The Main NOW-PAC is represented by Paul F. Zendzian Esquire who will be filing a response on behalf of that organization. Nevertheless, the National Organization For Women - Political Action Committee has also been named in the complaint and therefore this office will be responding on behalf of NOW-PAC. We have not yet had an opportunity to consult with the principals of Maine-NOW to gain an understanding of the circumstances involved in this incident or the purpose of the brochure. Accordingly, we wish to respectfully request the opportunity to file a supplemental response within the next 5 business days.

80 APR 25 P 2:17

7E9000

00040204599

Lee Anderson, Esq.
Gary Johansen, Esq.
Dated: April 24, 1980
Page 2

At the present time I wish to note:

1. Although a membership organization or a separate segregated fund established for political purposes is prohibited from making partisan communications to persons other than its members, there is presently no evidence here that this particular communication was disseminated by the organization (or PAC) beyond its members. Reasonable efforts may have been made to restrict the class of communicants to members of Maine-NOW. In fact, the brochure could have been posted on the University campus by a member or by some other person who came into possession of the brochure.

2. The brochure does not identify any particular political campaign or request monetary contributions to any particular political campaign.

3. What the brochure does present is an opportunity for the recipient to express a willingness to work in a "political campaign" as selected by the recipient. By completing the brochure and returning it to Maine-NOW a pool of workers could be developed but it is debatable whether the request for an expression of willingness is the sort of call to action which can be characterized as the solicitation of a contribution.

4. On the documents I have received, the only communication which is arguably partisan is the sentence reading "I would be willing to work in a political campaign for choice. Please call if you need me. Yes [] No []"

The balance of the brochure contains a request to join the National Organization of Women and a discussion of issues relating to sterilization, birth control and abortion. These topics are certainly political and involve national campaigns, but the campaigns are over issues, not individual candidates for public office. Here the issue is freedom of choice.

This office will communicate with Ms. JoAnne Dauphinee and other principals in Maine NOW-PAC in an effort to clarify the circumstances involved here. Both the national NOW-PAC

Lee Anderson, Esq.
Gary Johansen, Esq.
Dated: April 24, 1980
Page 3

and Maine NOW-PAC wish to comply in every respect with the Federal Election Campaign Act and are making every effort to do so. I am sure that there was no intentional violation of the Act involved here and I doubt whether any violation did, in fact occur.

The final allegation contained in the Complaint was the alleged failure of Maine NOW-PAC to comply with the disclaimer requirements of 11 CFR 102.13. In response I wish to note that if the brochure contains no solicitations of contributions under federal law, the requirements of Section 102.13 do not apply.

Sincerely,

Weintraub, Genshlea, Gianponi &
Sproul

By


Curtis Cutter Sproul

00040304591

WEINTRAUB, GENSHILEA, GIANNONI & SPROUE 0 0 4 0 2 0 4 9 9 2

555 CAPITOL MALL, SUITE 1255
SACRAMENTO, CALIFORNIA 95814

Lee Anderson, Esq.
Gary Johansen, Esq.
Federal Election Commission
Office of the General Counsel
1325 K Street, N.W.
Washington, D.C. 20005

Overnight #1111

FEDERAL EXPRESS

YOUR F.E.C. ACCOUNT NUMBER **950-0000-9**

FROM (Your Name)
Curtis C. Sproul
 COMPANY
WEINTRAUB, GENSHEA, BEANNONI & SPROUL
 STREET ADDRESS
555 Capitol Mall, Suite 1255
 CITY
Sacramento STATE **CA** ZIP **95814**
 PURCHASE ORDER NO. OR YOUR REFERENCE NO.

DATE **April 24, 1980** AIRBILL NO. **41592584**
 TO (Consignee's Name)
Los Anderson, Inc. and Gary Johnson, Inc.
 COMPANY
Federal Election Commission
 STREET ADDRESS
Office of General Counsel
1225 E Street, N.W.
 CITY
Washington STATE **DC** ZIP **20545**
 PURCHASE ORDER NO. OR CONSIGNEE REFERENCE NO.

 PAYMENT ☐ Shipper ☐ Consignee F.E.C. Acct. No.
☐ Cash In Advance ☐ Bill Me

 RECEIVED BY (Signature's Date)
 AT **POSTAL** **4-24-80**
 F.E.C. STATION

BILLING COPY

This Courier Pak contains first class or letter material as defined by the United States Postal Service.
 Yes No
 If yes, please affix the proper amount of postage for the letter material only and cancel by lining through in ink.

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20543

April 1, 1980

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

John Dauphinee
Treasurer
Maine NOW-PAC
23 March Street
Bangor, Maine 04401

Re: MUR 1198

Dear Ms. Dauphinee:

This letter is to notify you that on March 28, 1980, the Federal Election Commission received a complaint which alleges that you may have violated certain sections of the Federal Election Campaign Act of 1971, as amended ("the Act") or Chapters 95 and 96 of Title 26, U.S. Code. A copy of this complaint is enclosed. We have numbered this matter MUR 1198. Please refer to this number in all future correspondence.

Under the Act, you have the opportunity to demonstrate, in writing, that no action should be taken against you in connection with this matter. Your response must be submitted within 15 days of receipt of this letter. If no response is received within 15 days, the Commission may take further action based on the available information.

Please submit any factual or legal materials which you believe are relevant to the Commission's analysis of this matter. Where appropriate, statements should be submitted under oath.

This matter will remain confidential in accordance with 2 U.S.C. § 437g(a)(4)(B) and § 437g(a)(12)(A) unless you notify the Commission in writing that you wish the matter to be made public.

If you intend to be represented by counsel in this matter, please advise the Commission by sending a letter of representation stating the name, address and telephone number of such counsel, and a statement authorizing such counsel to receive any notifications and other communications from the Commission.

00040204594

Enclosure

1. Complaint
2. Procedures

The image shows a dark, high-contrast scan of a document, likely a form or certificate. On the left side, there is a circular seal or stamp, which is partially obscured by shadows. In the center of the document, there is a large, illegible signature or set of handwritten text. The document is heavily shadowed and noisy, with many white specks and dark areas. The overall appearance is that of a poor-quality scan of a physical document.



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20543

April 1, 1980

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

James Bopp
Brames, Bopp and Haynes
900 Sycamore Building
19 South Sixth Street
Terre Haute, Indiana 47807

Dear Mr. Bopp:

This letter is to acknowledge receipt of your complaint of March 25, 1980, against the Maine NOW-PAC which alleges violations of the Federal Election Campaign laws. A staff member has been assigned to analyze your allegations. The respondents will be notified of this complaint within 5 days and a recommendation to the Federal Election Commission as to how this matter should be handled will be made 15 days after the respondents' notification. You will be notified as soon as the Commission takes final action on your complaint. Should you have or receive any additional information in this matter, please forward it to this office. For your information, we have attached a brief description of the Commission's procedures for handling

60040204596

11/8 [Signature]

DATE OF DELIVERY	11/8
UNABLE TO DELIVER BECAUSE	
CLIENT'S INITIALS	

IN 11/8

Federal Election Commission
1325 K Street N.W.
Washington, D.C. 20543

CO7160

Dear Ladies & Gentlemen:

On behalf of National Right to Life Committee "NRLC" I am filing the following complaint of violation of federal election laws by the National Organization For Women Political Action Committee and the Maine NOW-PAC.

The Maine NOW-PAC is a Political Action Committee whose Treasurer is JoAnne Dauphinee, 23 March Street, Bangor, Maine 04401. This PAC claims to be affiliated with the National Organization For Women Political Action Committee which is registered with the Federal Election Commission and is the connected PAC to the National Organization For Women. Apparently, Maine NOW-PAC is an affiliated or subordinating Political Action Committee to NOW-PAC. As a PAC connected to a membership organization, it is prohibited from soliciting contributions from any person not a member of the connected organization, 2 USC § 441 b.

Maine NOW-PAC, however, has solicited members and contributions in violation of federal election laws. Specifically, on February 11, 1980, Maureen Sutton found a brochure soliciting members and contributions from Maine NOW-PAC on the bulletin board of the University of Southern Maine as revealed in her affidavit which is attached herewith.

Accordingly, we request that the Federal Election Commission immediately investigate this complaint and determine whether or not the National Organization For Women Political Action Committee and its affiliated or subordinating PACs including Maine NOW-PAC are soliciting contributions or membership from persons who are not members of NOW, its connected organization.

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0004020458
Federal Election Commission
Page 1
March 25, 1980

In addition, the solicitation for contributions to
Maine NOW-PAC should include the request for
18 CFR (20.11) to request the Federal Election Commission
to investigate whether or not NOW-PAC and its affiliate
or subordinated PAC such as Maine NOW-PAC are failing
to comply with this requirement of the law.

To prevent illegal funds from being used in 1980
elections, we request that NOW-PAC and Maine NOW-PAC
be instructed to return these funds illegally solicited to
the donor.

Under penalties for perjury, I believe that the above
is true and correct to the best of my knowledge and I have
personally prepared this complaint. This complaint was not
filed for or on behalf of any candidate.

Sincerely,

BRAMES, BOPP & HAYNES

By:  James Bopp, Jr.

Subscribed and sworn to before me a Notary Public
in and for Vigo County, Indiana, this 25th day of March,
1980.


Sandra Colglazier, Notary Public

My Commission Expires:
October 25, 1983

300 40204599

Personally appeared the above-named Maureen Sutton and made oath that the foregoing Affidavit by her subscribed is true and correct.

Notary Public

2000

Travel Bonus

0 0 0 4 0 2 0 4 6 0 0

The National Organization for Women

believes in your right to choose

PRO-CHOICE MEANS

- if you want to have children, the government has no right to interfere
- consenting to sterilization should not be a requirement of other procedures (childbirth or abortion)
- the government has no right to demand that your pregnancy be revealed to either your husband or parents
- the community and government should provide information and access to contraceptive information and services
- when all is said and done, it is the pregnant woman's RIGHT to decide whether or not to terminate her pregnancy
- every woman, regardless of income, has a right to medical care during pregnancy, childbirth, or abortion
- support for research on: birth defects, genetic counseling, birth control, pre- and post-natal care, and quality reproductive health care
- respect for women, our right to privacy, our right to religious freedom, our right to choose the number and the spacing of our children

ANTI-CHOICE MEANS

- anti-contraceptives
- anti-IUD's
- anti-birth control pills
- anti-voluntary sterilization
- anti-family planning
- anti-amniocentesis
- anti-birth defects research
- anti-responsible sex education
- anti-right to privacy
- anti-separation of church and state
- anti-abortion even to save the woman's life
- anti-woman's right to choose

"Right to Life" in Pennsylvania advocate death as a punishment for abortion

ANTI-CHOICE IS ANTI-PEOPLE. THEY MUST BE STOPPED!

MYTH: No one has to get pregnant in this day and age. Forced pregnancy is the price for being careless or ignorant.

MYTH: We can't afford to pay for the abortions of poor women.

MYTH: If contraceptive information and services are improved, it will encourage teens to have more sexual relationships.

MYTH: Anti-choice is pro-life.

FACT: It costs far less to pay for abortions than to pay for forced pregnancies, support for mother and child, and medical care for the victims of botched abortions.

FACT: One-third of all couples practicing birth control for five years has an unwanted pregnancy. Only men are secure in the knowledge that they can't get pregnant.

FACT: 5,000 women between the ages of 14 and 20 become pregnant in Maine each year. 70% are using no method of birth control. Teen pregnancies are an alarming reality. Contraceptive information and access, good pre- and post-natal care, and safe, legal abortions are all responses to the needs of our young women.

FACT: Four times as many women die of childbirth as of legal abortion. Teens have the highest mortality and morbidity rate. When your life and health are at stake, the choice should be yours.

..... did you know

- 80% of Maine people support the right of a woman to choose whether or not to terminate her pregnancy
- every pro-choice incumbent legislator identified by Maine anti-choice won re-election to the 109th Maine legislature
- even though the Democrats support abortion funding and voted that support into the Maine Democratic platform, every male Democratic senator voted the anti-choice position.

- Maine NOW testified at every hearing concerning Choice in the 109th legislature
- Maine NOW lobbied every Maine legislator on the issue of Choice, over half in person or by phone
- the Maine Legislature did not once support the pro-choice position on any piece of legislation in the 109th.

We must truly weigh what we know to be true. Childbirth can be an affirmation of life or a resignation to it.

Abortion can also be an affirmation of life, a position commitment to ourselves, and to those already in our lives.

DEDUCTIBLE CONTRIBUTION TO:

"MAINE NOW-PAC"

JoAnne Dauphinee, Treasurer
23 March St., Bangor, ME 04401

NAME _____

ADDRESS _____

TOWN _____

AMOUNT _____ ZIP _____

**I WOULD BE WILLING TO WORK IN A
POLITICAL CAMPAIGN FOR CHOICE.
PLEASE CALL IF YOU NEED ME.**

YES ☐ NO ☐

**I WISH TO JOIN NOW. HERE ARE MY DUES
ENTITLING ME TO NATIONAL AND STATE
NEWSLETTERS AND ACTION ALERTS AND
VOTING RIGHTS.**

☐ **Regular Dues \$27 (20 National, 2 State,
5 nearest chapter)**

☐ **Special dues \$10 - For those who can't afford
more (7 to national, 1 to state, 2 to chapter)**

☐ **Bargain Basement \$_____ (Fill in amount —
Now dues not discriminate on the basis of
income)**

☐ **Contribution \$_____**

Thanks!

**SHOULD A WOMAN
HAVE THE RIGHT TO
CHOOSE, FREE FROM
GOVERNMENT
INTERFERENCE,
WHETHER OR NOT TO
CONTINUE HER
PREGNANCY?**

CHOICE

PRO

0 0 1 1 1 0 1 6 0 1

80040204602

BRAMES, BOPP & HAYNES

ATTORNEYS AT LAW

800 SYCAMORE BUILDING

19 SOUTH SIXTH STREET

TERRE HAUTE, INDIANA 47807



Federal Election Commission

1325 K Street N.W.

Washington, D.C. 20463



FEDERAL ELECTION COMMISSION

1100 L STREET, N.W.
WASHINGTON, D.C. 20543

THIS IS THE BEGINNING OF MUR #

1198

Date Filed

9/10/80

Camera No.

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SPC

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